

#### § 273.4

261.2; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this part 273. This pesticide remains subject to the requirements of FIFRA; or

(ii) Has made a decision to use a management option that, under 40 CFR 261.2, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this part 273. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

(2) Unused pesticide products described in paragraph (a)(2) of this section, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

[60 FR 25542, May 11, 1995, as amended at 64 FR 36488, July 6, 1999]

#### § 273.4 Applicability—mercury thermostats.

(a) *Thermostats covered under this part 273.* The requirements of this part apply to persons managing thermostats, as described in §273.9, except those listed in paragraph (b) of this section.

(b) *Thermostats not covered under 40 CFR part 273.* The requirements of this part do not apply to persons managing the following thermostats:

(1) Thermostats that are not yet wastes under part 261 of this chapter. Paragraph (c) of this section describes when thermostats become wastes.

(2) Thermostats that are not hazardous waste. A thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.

(c) *Generation of waste thermostats.* (1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

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(2) An unused thermostat becomes a waste on the date the handler decides to discard it.

[60 FR 25542, May 11, 1995, as amended at 64 FR 36488, July 6, 1999]

#### § 273.5 Applicability—lamps.

(a) *Lamps covered under this part 273.* The requirements of this part apply to persons managing lamps as described in §273.9, except those listed in paragraph (b) of this section.

(b) *Lamps not covered under this part 273.* The requirements of this part do not apply to persons managing the following lamps:

(1) Lamps that are not yet wastes under part 261 of this chapter as provided in paragraph (c) of this section.

(2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C of this chapter.

(c) *Generation of waste lamps.* (1) A used lamp becomes a waste on the date it is discarded.

(2) An unused lamp becomes a waste on the date the handler decides to discard it.

[64 FR 36488, July 6, 1999]

#### §§ 273.6–273.7 [Reserved]

#### § 273.8 Applicability—household and conditionally exempt small quantity generator waste.

(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this part:

(1) Household wastes that are exempt under §261.4(b)(1) of this chapter and are also of the same type as the universal wastes defined at §273.9; and/or

(2) Conditionally exempt small quantity generator wastes that are exempt under §261.5 of this chapter and are also of the same type as the universal wastes defined at §273.9.

(b) Persons who commingle the wastes described in paragraphs (a)(1) and (a)(2) of this section together with universal waste regulated under this part must manage the commingled waste under the requirements of this part.

[64 FR 36488, July 6, 1999]